



"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
o. 843.216.9000 f. 843.216.9450

John M. Eubanks
Licensed in MD & SC
direct: 843.216.9218
JEubanks@motleyrice.com

April 7, 2022

BY ECF

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, No. 03-cv-9849 (GBD)(SN)

Dear Judge Netburn:

The *Burnett* Plaintiffs write concerning their outstanding Motion for Entry of Default Judgments Against the Taliban (ECF No. 7618) and request leave to substitute two sets of motion papers¹ filed concurrently with this letter motion for the motion papers filed at ECF Nos. 7618, 7619, 7621, and 7646². The *Burnett* Plaintiffs' present motions are intended to replace the previously filed motion and to streamline the issues to be determined by the Court. The reasons for this request are twofold.

First, certain *Burnett* Plaintiffs hold both liability defaults against the Taliban and monetized judgments against the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and/or the Central Bank of the Islamic Republic of Iran. The *Burnett* Plaintiffs submit that a request for judgment against the Taliban by this subset of Plaintiffs can be efficiently resolved by the Court with maximum efficiency under established precedent. *See* ECF 7833. For this reason, these claims have been broken out from other claims addressed in the motion filed at ECF No. 7618 and comprise the first set of motion papers the *Burnett* Plaintiffs seek leave to substitute. This first motion was filed as ECF No. 7843. The second substitute filing addresses the remaining claims which require the Court's consideration of several factors including, in some cases, additional requests for judgments and damages. This second motion was filed at ECF No. 7847. Plaintiffs

¹ *Burnett* Plaintiffs' Motion for Entry of Default Judgments Against the Taliban for *Burnett* Plaintiffs with Liability Defaults and Final Judgments Against Iran Defendants along with accompanying Memorandum of Support, Declaration, and Proposed Order and *Burnett* Plaintiffs Motion for Entry of Default Judgments Against The Taliban for Certain *Burnett* Plaintiffs, along with the same accompanying documents.

² ECF No. 7646 was itself a substitution for the earlier filed document at ECF No. 7620 which was inadvertently filed with certain pages missing.



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submit the identification of claims which can be expediently addressed *now* advances judicial economy and is in the best interest of those Plaintiffs with long-standing claims against the Taliban.

Second, the exhibits filed in connection with the *Burnett* Plaintiffs' Motion for Entry of Default Judgment Against the Taliban required modification and thus leave to substitute to prevent overlap for plaintiffs with dual representation between the *Burnett* Plaintiffs' requests for judgment and those filed by the *Burlingame*, *Bauer*, *Havlish*, *Ashton*, or other plaintiff groups. As a result, Exhibits B-1 and B-2³ have slightly increased in the number of claims represented to encompass the claims of dual-represented claimants whose claims have not been pursued by other plaintiffs' counsel in motions for default judgment against the Taliban, and Exhibits C-1 and C-2⁴ have slightly decreased. The *Burnett* Plaintiffs are confident the revised exhibits account for the myriad of potential ways in which overlapping requests have been corrected.

For the foregoing reasons, the *Burnett* Plaintiffs respectfully request that this Court allow the *Burnett* Plaintiffs leave to substitute ECF Nos. 7618, 7619, 7621, and 7646 with the two filings submitted at ECF Nos. 7843 through 7850.⁵

Sincerely,

John M. Eubanks
JME/eg

³ Original Exhibits B-1 and B-2 are now Exhibits B-1 and B-2 attached to the Declaration of John M. Eubanks in Support of *Burnett* Plaintiffs Motion for Entry of Default Judgments Against The Taliban for *Burnett* Plaintiffs with Liability Defaults and Final Judgments Against Iran Defendants.

⁴ Original Exhibits C-1 and C-2 are now B-1 and B-2 attached to the Declaration of John M. Eubanks in Support of *Burnett* Plaintiffs Motion for Entry of Default Judgments Against The Taliban for Certain *Burnett* Plaintiffs.

⁵ See fn. 1.